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Subject: Fines for alleged air pollution

We would like to draw the Clubs and their Members' attention to the worryingly increasing number of fines issued by the Djibouti Port Authorities against vessels caught releasing black smokes in the Djibouti atmosphere.

Our experience is that fines are issued on the mere evidence of pictures of black smokes releasing funnels, taken during port officials' random visits whilst vessels are in operation in the port waters.

Such fines' legal basis is understood to be Port Regulation art 35 whereby it is forbidden to "*produce excessive smoke during manoeuvres or, more generally, while the vessel is in port*", which is sanctioned by a 4th category fine in the amount of Djibouti Francs 1,800,000.00 i.e., roughly USD 10,100.00, although in practice, the amount tends to be USD 10,000.00 (Ten Thousand US Dollars) per fine.

While at the start of such fines' practice, vessels targeted by Port Authorities used to be sanctioned by one and only USD 10,000.00 fine irrespective of the alleged pollution and vessel's stay in port's durations, our recent experience has shown that local Authorities now tend to issue multiple and cumulative fines until they deem that a vessel is no longer polluting the atmosphere.

In a recent matter, we saw some Members, strongly contesting the initial fine, ending up being targeted by no less than seventeen (17) fines, as Authorities considered that the vessel polluted the atmosphere during seventeen (17) days, incurring a total fines' amount of USD 170,000.00 (One Hundred and Seventy Thousand US Dollars) for one USD 10,000.00 fine a day. As negotiations undertaken by the agents with Authorities - known to be extremely tough and inflexible - failed, the sum was paid by Members through their local agents for the vessel to sail.

From experience indeed, local Authorities tend to insist that such matters be handled by local agents directly.

If such a situation occurs, therefore, our suggestion is for Owners to seek assistance the soonest possible sending instructions to negotiate the fine on best terms - when practically possible - before the situation escalates and inevitably leads to a potentially ever-increasing exposure.

McLeans remain at the Clubs' and Members' disposal to provide more information and any assistance which may be required.

Yours sincerely

The McLeans – WAMS team

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